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FOR IMMEDIATE RELEASE
January 28, 2009

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Commission Calls for Reform of State and Regional Water Boards to Improve Accountability, Transparency and Outcomes

The Little Hoover Commission on Thursday urged the governor and the Legislature to reform the State Water Resources Control Board and nine Regional Water Quality Control Boards by expanding the state board to nine members, with five members representing statewide interests and four drawn on a rotating basis from the nine regional board chairpersons, whose positions would become full-time. In addition, the Commission called for a revamped appeals process; to improve the use of data and science in water quality regulatory processes; and urged the water boards to focus on new ways to solve modern water quality problems and set priorities.

In its report, *Clearer Structure, Cleaner Water: Improving Performance and Outcomes at the State Water Boards*, the Commission also recommends refocusing both the state board and regional boards on policy-making and updating basin plans.

During its study, the Commission found that the water boards face increasingly complex water quality problems, caused in part by hard-to-regulate sources such as urban and agricultural runoff. The Commission also found that a decentralized governance structure, with nine regional water quality boards operating with distinct policies and processes, hinders accountability and transparency. The result is a system that has lost the confidence of most stakeholders. To restore accountability and increase focus on clean-water outcomes, the Commission recommends strengthening the relationship between the state and regional boards.

"The governance structure for water quality regulation in California is 40 years old and is ill-prepared to handle modern problems," Little Hoover Commission Chairman Daniel Hancock said. "Major reform is needed to help protect and improve water quality, which is a key to the state's future."

In *Clearer Structure, Cleaner Water: Improving Performance and Outcomes at the State Water Boards*, the Commission recommends that the state:

Move toward a more consistent, transparent and accountable governance structure that allows for both statewide and regional flexibility. The state must strengthen ties between the State Water Resources Control Board and the Regional Water Quality Control Boards and refocus the boards on broad policy-making and restoring confidence in the appeals process. To do this, the Commission recommends

expanding the state water board to nine members, with four of the members serving dual roles by also acting as chairperson of a regional board; making all regional board chairpersons full-time positions; delegating permitting authority from the boards to the executive director of the state board and the executive officers of the regional boards; and creating an appeals board to handle appeals from state and regional board actions.

Improve and increase the use of data, scientific research and planning. To improve focus on outcomes and better respond to current and future water problems, the state should:

- Create a Water Science Advisory Board for the State Water Resources Control Board, to advise the board on needed scientific research and how to increase the use of science in regulatory proceeding;
- Create an independent Water Data Institute to act as a state library for water quality and supply data;
- Develop report cards for each major water body to better inform the public about water quality to better hold regional boards accountable for clean-water outcomes; and
- Launch a statewide effort to ensure that all regions have up-to-date basin plans.

Increase focus on clean-water outcomes and emphasize collaboration, creativity and problem-solving to address current water quality problems. The water boards should collaborate with other government agencies to develop regulatory strategies to address modern water quality problems, such as land use and air pollution's effects on water. To increase focus on outcomes and solving complex problems, the water boards should increase focus on watershed-wide regulations. The state also should use stakeholder task forces to work through difficult regulatory issues.

Use cost-effectiveness analyses to help set priorities and determine the best methods to improving water quality. To fully implement the state water code's requirement that water quality be balanced with other factors, such as economics, the boards should develop a standardized means to measure the costs and benefits of regulation.

The Little Hoover Commission is a bipartisan and independent state agency charged with recommending ways to increase the efficiency and effectiveness of state programs. The Commission's recommendations are sent to the governor and the Legislature. To obtain a copy of the report, *Clearer Structure, Cleaner Water: Improving Performance and Outcomes at the State Water Boards*, contact the Commission or visit its Web site: www.lhc.ca.gov.